

BRIAN J. PANISH, ESQ., STATE BAR NO. 116060
ADAM K. SHEA, ESQ., STATE BAR NO. 166800
PANISH SHEA & BOYLE LLP
11111 SANTA MONICA BLVD., STE 700
LOS ANGELES CA 90025
Telephone: (310) 477-1700
Facsimile: (310) 477-1699

MARK K. FLORES, ESQ., STATE BAR NO. 166990
CRANE FLORES, LLP
15 WEST CARRILLO STREET, SUITE 310
SANTA BARBARA, CALIFORNIA 93101
Telephone: (805) 564-8181
Facsimile: (805) 456-4433

CHAD M. PRENTICE STATE BAR NO. 173811
MAHO & PRENTICE, LLP
629 STATE STREET, SUITE 217
SANTA BARBARA, CA 93101
Telephone: (805) 962-1930
Facsimile: (805) 456-2141

Attorneys for Claimants, The Estate of Alfonso Limon, Jr.,
Alfonso Limon, Sr., Alejandra Limon and Gerardo Limon

GOVERNMENT CLAIM

THE ESTATE OF ALFONSO LIMON, JR.;)
ALFONSO LIMON, SR., individually, and)
as successor in interest to ALFONSO)
LIMON, JR.; ALEJANDRA LIMON)
individually, and as successor in interest to)
ALFONSO LIMON, JR.; GERARDO)
LIMON,)

Claimants,

vs.

CITY OF OXNARD; THE OXNARD)
POLICE DEPARTMENT; THE CHIEF OF)
POLICE FOR THE OXNARD POLICE)
DEPARTMENT, JERI WILLIAMS)

Respondents.

GOVERNMENT CLAIM FOR DAMAGES

[PURSUANT TO GOVERNMENT CODE
§§ 905 AND 910, et seq.]

TO THE CITY CLERK'S OFFICE, CITY OF OXNARD, THE OXNARD POLICE
DEPARTMENT, THE CHIEF OF POLICE FOR THE OXNARD POLICE DEPARTMENT, JERI

1 WILLIAMS, AND ALL OTHER APPROPRIATE CLAIM BOARDS OR ENTITIES WITHIN THE
2 CITY OF OXNARD FOR THE CONDUCT OUTLINED BELOW:

3 THE UNDERSIGNED HEREBY SUBMITS THE FOLLOWING GOVERNMENT
4 CLAIM, IDENTIFYING ALL INFORMATION SET FORTH IN CALIFORNIA GOVERNMENT
5 CODE SECTION 910, THIS DOCUMENT IS SUBMITTED IN CONJUNCTION WITH THE
6 CITY OF OXNARD'S CLAIM FORM. THE TWO ARE TO BE READ TOGETHER, IN
7 CONCERT, AND CONSIDERED PART OF THE SAME GOVERNMENT CLAIM.

8 **910(a): Name and address of claimant.**

9 THE ESTATE OF ALFONSO LIMON, JR.; ALFONSO LIMON, SR., individually and as
10 successor in interest to ALFONSO LIMON, JR.; ALEJANDRA LIMON, individually and as
11 successor in interest to ALFONSO LIMON, JR.; GERARDO LIMON

12 Claimants shall be contacted solely through their counsel:

13 MARK K. FLORES, ESQ., STATE BAR NO. 166990
14 CRANE FLORES, LLP
15 15 WEST CARRILLO STREET, SUITE 310
16 SANTA BARBARA, CALIFORNIA 93101
17 Telephone: (805) 564-8181
18 Facsimile: (805) 456-4433

19 **910(b): The post address to which the person presenting the claim desires notices to be
20 sent.**

21 MARK K. FLORES, ESQ., STATE BAR NO. 166990
22 CRANE FLORES, LLP
23 15 WEST CARRILLO STREET, SUITE 310
24 SANTA BARBARA, CALIFORNIA 93101
25 Telephone: (805) 564-8181
26 Facsimile: (805) 456-4433

27 **910(c): The date, place and other circumstances of the occurrence or transaction which give
28 rise to the claim asserted.**

29 This is a general description only. The vast majority of details are not now known by
30 claimants, but rather, only known by those against whom this claim is made. Therefore, claimants
31 expressly reserve the right to amend this claim, or to amend the pleadings during the course of
32 litigation when information is learned.

1 On or about the evening of October 13, 2012, Alfonso Limon, Jr., was shot and killed by
2 CITY OF OXNARD police officers at the general location of Cooper and Garfield Street, in the City
3 of Oxnard. On said evening, Alfonso Limon, Jr., and his brother Gerardo Limon, jogged at Pacific
4 High School. After their jog, they decided to walk home to their house on Roosevelt Street. At or
5 about the same time, the CITY OF OXNARD police officers had multiple black-and-whites units in
6 the area making a stop of a vehicle they believed had armed suspects. The suspects were ordered from
7 the vehicle, but instead, ran from the police officers with at least one suspect running toward the
8 intersection of Cooper and Garfield Streets, as Alfonso Limon, Jr., and his brother Gerardo Limon
9 continued to walk home. The CITY OF OXNARD police officers, without any warning and without
10 properly identifying the suspect(s), negligently and recklessly opened fire at Alfonso Limon, Jr.,
11 claiming they mistook him for one of the suspects. The CITY OF OXNARD police officers killed
12 Alfonso Limon, Jr.; Gerardo Limon ran from the location across the street with bullets barely missing
13 him. Prior to being killed, Alfonso Limon, Jr., according to witnesses, while facing multiple CITY
14 OF OXNARD officers in full view, put his hands up and yelled multiple times "don't shoot, don't
15 shoot". Despite Alfonso Limon, Jr.'s pleas, CITY OF OXNARD police officers shot him and he fell
16 to the ground. While on the ground and still alive, multiple CITY OF OXNARD police officers
17 approached him and continued to shoot at him and killed him. Only after killing Mr. Limon, did said
18 officers realize that the actual suspect was behind a car at the corner parking lot of Cooper and
19 Garfield Streets some sixty feet away from Alfonso Limon, Jr. Said suspect was not wearing similar
20 clothes, nor did he have the same appearance or build as Alfonso Limon, Jr.

21 After it was clear that Alfonso Limon, Jr. was not a suspect and was killed at the hands of the
22 CITY OF OXNARD police department, its officers, commanders and/or supervisors failed to inform
23 the family that their son and brother was killed. In fact, the family, who identified themselves to
24

1 officers at the scene were not allowed to see their son and brother; and at no time did they update the
2 family of his condition. All through the night family members called the commanders at the CITY
3 OF OXNARD police department requesting any information regarding their son and were only told
4 that no information could be released, which caused the family to drive to different hospitals in search
5 of their son and brother throughout the night and through the next day. Only two (2) days later did
6 representatives from the CITY OF OXNARD police department inform the family that their son and
7 brother was dead.
8

9 On said date, October 13, 2012, the CITY OF OXNARD police department was in violation
10 of its policies and procedures which resulted in the death of Alfonso Limon, Jr. The CITY OF
11 OXNARD police officers, who shot at Alfonso Limon, Jr., and his brother Gerardo Limon, did not
12 have any vantage point of the suspects and/or of the situation; and had no idea who was or was not a
13 suspect. In fact, as stated by Oxnard Chief of Police Jeri Williams in her October 18, 2012, press
14 release, "During this rapidly developing foot pursuit ... some of the officers believed that Alfonso
15 Limon was one of the suspects. As a result, some of the officers fired their weapons at him." The
16 CITY OF OXNARD police officers negligently and recklessly fired their weapons into a crowded
17 street and neighborhood without regard for the safety and security of the community and specifically
18 Alfonso and Gerardo Limon, and intended to shoot Alfonso Limon, Jr. Additionally, the manner in
19 which the CITY OF OXNARD police officers conducted the vehicular stop of the suspect(s) was
20 negligent, reckless and endangered the community. Among other things, the tactics used that night
21 were negligent and reckless, causing a chaotic scene whereby multiple CITY OF OXNARD police
22 officers open fired on Alfonso and Gerardo Limon, mistaking Alfonso Limon, Jr. for the suspect.
23
24
25

26 Furthermore, the CITY OF OXNARD police officers at the scene were negligently and poorly
27 trained, were negligently and poorly hired, were negligently and poorly supervised (both at the scene
28

1 and before), and were negligently retained. Moreover, the CITY OF OXNARD supervisors at the
2 scene negligently handled the stop and were negligent in their control and direction of the tactics and
3 the officers at the scene. Additionally, the CITY OF OXNARD and the CITY OF OXNARD police
4 department, and all its employees and sworn officers, were negligent in the hiring, training, selection,
5 retention, and disciplining of the officers involved in the shooting, as well as the officers who trained
6 the involved officers throughout their careers, from the academy to the date in question. Even Police
7 Chief Jeri Williams has acknowledged that, "The suspects, keep in mind, were in control of the
8 situation..."

10 The CITY OF OXNARD police officers, who were at the scene, had a history of bad traffic
11 stops and improper uses of force, and improperly discharging of their firearms, and were never
12 disciplined, or were not disciplined properly, and were never trained or re-trained properly, and were
13 never removed from service. The above also contributed to the death of Alfonso Limon, Jr.

15 More importantly, within the CITY OF OXNARD police department, there was also a
16 custom, policy and practice, whether express or implied, oral or written, that allowed all of the
17 conduct outlined in this claim and that allowed this shooting to occur, creating liability under the laws
18 of the State of California, the Constitution of the State of California, the laws of the United States,
19 and the United States Constitution.

21 Again, this is a general description only. The vast majority of details are not now known by
22 claimants, but rather, only known by those against whom this claim is made. Therefore, claimants
23 expressly reserve the right to amend this claim, or to amend the pleadings during the course of
24 litigation when information is learned. Claimants will pursue all state law theories allowed by the
25 government code, as well as all constitutional theories under the California and United States
26 Constitutions, as well as all theories allowed under federal law.

1 **910(d): A general description of the indebtedness, obligation, injury, damage or loss**
2 **incurred so far as it may be known at the time of presentation of the claim**

3 Claimants have lost the love, comfort, care and society the relationship of Alfonso Limon, Jr., would
4 have afforded. Claimants have lost the financial support of Alfonso Limon, Jr., as well as other
5 special and general damages, including funeral and burial expenses. Gerardo Limon's claim is based
6 upon the assault by the CITY of OXNARD police officers and for witnessing the death of his brother,
7 Alfonso Limon, Jr. The totality of the damages suffered is not now known but said damages exceed
8 the jurisdictional limits of the Superior Court. This is NOT a civil limited case.
9

10 **910(e): The name or names of the public employee or employees causing the injury,**
11 **damage, or loss, if known.**
12

13 Claimants do not know the names of the specific CITY OF OXNARD police officers and/or
14 individuals involved or implicated in this claim. This claim will be brought against the CITY OF
15 OXNARD, OXNARD POLICE DEPARTMENT, the CHIEF OF POLICE JERI WILLIAMS and all
16 of the officers on the scene and all of their supervisors, trainers, and hirers, as well as everyone
17 responsible for their initial hiring, training, retaining, being allowed to carry a firearm, and being
18 allowed at the scene. This claim is also brought against those creating policy, monitoring policy,
19 enforcing policy, and training on policy.
20

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28

1 **910(f): The amount claimed.**

2 None stated pursuant to Government Code Section 910(f); this is NOT a limited civil case.

3 Jurisdiction belongs in the Superior Court as this claim exceeds its jurisdictional limits.

4 Dated: October 22, 2012

PANISH SHEA & BOYLE LLP
CRANE FLORES, LLP
MAHO & PRENTICE, LLP

6
7  MARK K. FLORES

8 CHAD M. PRENTICE

9 BRIAN J. PANISH

Attorneys for Claimants, THE ESTATE OF
ALFONSO LIMON, JR.; ALFONSO LIMON, SR.,
individually, and as successor in interest to
ALFONSO LIMON, JR.; ALEJANDRA LIMON
individually, and as successor in interest to
ALFONSO LIMON, JR.; GERARDO LIMON

(C.C.P. §§ 1013a, 2015.5)

I, Mark K. Flores, am employed in the County of Santa Barbara, State of California; I am over the age of eighteen years and not a party to the within entitled action; my business address is 15 West Carrillo Street, Suite 310, Santa Barbara, CA 93101 or 300 Esplanade Drive, 9th Floor, Oxnard, CA 93030.


City Clerk
City of Oxnard
305 W. 3rd Street
Oxnard, CA 93030

_____ **BY MAIL.** I am readily familiar with the business practice at my place of business for collection and processing of correspondence for mailing with the United States Postal Service. Correspondence so collected and processed is deposited with the United States Postal Service that same day in the ordinary course of business.

X **BY PERSONAL SERVICE.** By personally delivering such envelope containing the foregoing document(s) or document(s) themselves by ☐ this office's attorney service, ☐ by hand to the person or persons whose name(s) appear above or on the attached list or to the offices of such person(s) listed and delivered to a person claiming to be authorized to receive such papers.

— **BY FACSIMILE.** By transmitting a copy of the foregoing document(s) by a "FAX" machine at the FAX number shown above or on the attached list.

I declare under penalty of perjury that the foregoing is true and correct. Executed on October 29, 2012, at Oxnard, California.


MARK K. FLORES